

833-135 US

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

107549428

Herewith

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

INTERNATIONAL APPLICATION NO. PCT/EP2004/001239	INTERNATIONAL FILING DATE 11 February 2004 (11.02.2004)	PRIORITY DATE CLAIMED 3 April 2003 (03.04.2003)
TITLE OF INVENTION A Process for the Preparation of Fludarabine Phosphate from 2-Fluoroadenine and Fludarabine Phosphate Salts with Amines or Ammonia		
APPLICANT(S) FOR DO/EO/US FARINA et al.		

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. The US has been elected (Article 31).
5. A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
 - a. is attached hereto (required only if not communicated by the International Bureau).
 - b. has been communicated by the International Bureau.
 - c. is not required, as the application was filed in the United States Receiving Office (RO/US).
- 6. An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. is attached hereto.
 - b. has been previously submitted under 35 U.S.C. 154(d)(4).
7. Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. are attached hereto (required only if not communicated by the International Bureau).
 - b. have been communicated by the International Bureau.
 - c. have not been made; however, the time limit for making such amendments has NOT expired.
 - d. have not been made and will not be made.
8. An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. A copy of the International Search Report (PCT/ISA/210).

Items 13 to 23 below concern document(s) or information included:

13. An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. A **FIRST** preliminary amendment.
16. A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. A substitute specification.
18. A power of attorney and/or change of address letter.
19. A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
20. A second copy of the published International Application under 35 U.S.C. 154(d)(4).
21. A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
22. Express Mail Label No. EV 727213958 US
23. Other items or information:

PTO Form 1449

Copies of Cited References

Copy of PCT Request

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 107549428 Herewith		INTERNATIONAL APPLICATION NO. PCT/EP2004/001239		ATTORNEY'S DOCKET NUMBER 833-135 US																																																																																																																																																																			
<p>The following fees are submitted:</p> <table border="1"> <tr> <td colspan="2">24. <input checked="" type="checkbox"/> Basic national fee</td> <td>\$300</td> <td>CALCULATIONS</td> <td>PTO USE</td> <td></td> </tr> <tr> <td colspan="2">25. <input checked="" type="checkbox"/> Examination fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4).</td> <td>\$100</td> <td>\$</td> <td>\$200.00</td> <td></td> </tr> <tr> <td colspan="2">All other situations.</td> <td>\$200</td> <td></td> <td></td> <td></td> </tr> <tr> <td colspan="2">26. <input checked="" type="checkbox"/> Search fee Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority</td> <td>\$100</td> <td></td> <td></td> <td></td> </tr> <tr> <td colspan="2">International Search Report prepared and provided to the Office</td> <td>\$400</td> <td></td> <td></td> <td></td> </tr> <tr> <td colspan="2">All other situations.</td> <td>\$500</td> <td>\$</td> <td>\$400.00</td> <td></td> </tr> <tr> <td colspan="2">TOTAL OF 24, 25 and 26 =</td> <td></td> <td>\$</td> <td>\$900.00</td> <td></td> </tr> <tr> <td colspan="6"> <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof. </td> </tr> <tr> <td>Total Sheets</td> <td>Extra Sheets</td> <td>Number of each additional 50 or fraction thereof (round up to a whole)</td> <td colspan="3">RATE</td> </tr> <tr> <td>13 - 100 =</td> <td>0 /50 =</td> <td>0</td> <td>x</td> <td>\$250.00</td> <td>\$ \$0.00</td> </tr> <tr> <td colspan="6">Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)).</td> </tr> <tr> <td>CLAIMS</td> <td>NUMBER FILED</td> <td>NUMBER EXTRA</td> <td colspan="3">RATE</td> </tr> <tr> <td>Total claims</td> <td>10 - 20 =</td> <td>0</td> <td>x</td> <td>\$50.00</td> <td>\$ \$0.00</td> </tr> <tr> <td>Independent claims</td> <td>2 - 3 =</td> <td>0</td> <td>x</td> <td>\$200.00</td> <td>\$ \$0.00</td> </tr> <tr> <td colspan="2">MULTIPLE DEPENDENT CLAIMS (if applicable)</td> <td><input type="checkbox"/></td> <td>+</td> <td>\$360.00</td> <td>\$ \$0.00</td> </tr> <tr> <td colspan="6">TOTAL OF ABOVE CALCULATIONS = \$ \$1,030.00</td> </tr> <tr> <td colspan="6"> <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2. </td> </tr> <tr> <td colspan="6">SUBTOTAL = \$ \$1,030.00</td> </tr> <tr> <td colspan="6">Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).</td> </tr> <tr> <td colspan="6">TOTAL NATIONAL FEE = \$ \$1,030.00</td> </tr> <tr> <td colspan="6">Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property + \$ \$0.00</td> </tr> <tr> <td colspan="6">TOTAL FEES ENCLOSED = \$ \$1,030.00</td> </tr> <tr> <td colspan="6"> <input type="checkbox"/> Amount to be \$ _____ <input type="checkbox"/> Amount to be \$ _____ </td> </tr> <tr> <td colspan="6"> a. <input checked="" type="checkbox"/> A check in the amount of \$ \$1,030.00 to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 13-2165. A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. </td> </tr> <tr> <td colspan="6">NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.</td> </tr> <tr> <td colspan="6">SEND ALL CORRESPONDENCE TO: Diane Dunn McKay, Esq. Mathews, Shepherd, McKay & Bruneau, P.A. 100 Thanet Circle, Suite 306 Princeton, NJ 08540 Tel: 609 924 8555 Fax: 609 924 3036 </td> </tr> <tr> <td colspan="6">  SIGNATURE Diane Dunn McKay NAME 34,586 REGISTRATION NUMBER </td> </tr> </table>						24. <input checked="" type="checkbox"/> Basic national fee		\$300	CALCULATIONS	PTO USE		25. <input checked="" type="checkbox"/> Examination fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4).		\$100	\$	\$200.00		All other situations.		\$200				26. <input checked="" type="checkbox"/> Search fee Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority		\$100				International Search Report prepared and provided to the Office		\$400				All other situations.		\$500	\$	\$400.00		TOTAL OF 24, 25 and 26 =			\$	\$900.00		<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.						Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole)	RATE			13 - 100 =	0 /50 =	0	x	\$250.00	\$ \$0.00	Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)).						CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE			Total claims	10 - 20 =	0	x	\$50.00	\$ \$0.00	Independent claims	2 - 3 =	0	x	\$200.00	\$ \$0.00	MULTIPLE DEPENDENT CLAIMS (if applicable)		<input type="checkbox"/>	+	\$360.00	\$ \$0.00	TOTAL OF ABOVE CALCULATIONS = \$ \$1,030.00						<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.						SUBTOTAL = \$ \$1,030.00						Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).						TOTAL NATIONAL FEE = \$ \$1,030.00						Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property + \$ \$0.00						TOTAL FEES ENCLOSED = \$ \$1,030.00						<input type="checkbox"/> Amount to be \$ _____ <input type="checkbox"/> Amount to be \$ _____						a. <input checked="" type="checkbox"/> A check in the amount of \$ \$1,030.00 to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 13-2165 . A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.						NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.						SEND ALL CORRESPONDENCE TO: Diane Dunn McKay, Esq. Mathews, Shepherd, McKay & Bruneau, P.A. 100 Thanet Circle, Suite 306 Princeton, NJ 08540 Tel: 609 924 8555 Fax: 609 924 3036						 SIGNATURE Diane Dunn McKay NAME 34,586 REGISTRATION NUMBER					
24. <input checked="" type="checkbox"/> Basic national fee		\$300	CALCULATIONS	PTO USE																																																																																																																																																																			
25. <input checked="" type="checkbox"/> Examination fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4).		\$100	\$	\$200.00																																																																																																																																																																			
All other situations.		\$200																																																																																																																																																																					
26. <input checked="" type="checkbox"/> Search fee Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority		\$100																																																																																																																																																																					
International Search Report prepared and provided to the Office		\$400																																																																																																																																																																					
All other situations.		\$500	\$	\$400.00																																																																																																																																																																			
TOTAL OF 24, 25 and 26 =			\$	\$900.00																																																																																																																																																																			
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.																																																																																																																																																																							
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole)	RATE																																																																																																																																																																				
13 - 100 =	0 /50 =	0	x	\$250.00	\$ \$0.00																																																																																																																																																																		
Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)).																																																																																																																																																																							
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE																																																																																																																																																																				
Total claims	10 - 20 =	0	x	\$50.00	\$ \$0.00																																																																																																																																																																		
Independent claims	2 - 3 =	0	x	\$200.00	\$ \$0.00																																																																																																																																																																		
MULTIPLE DEPENDENT CLAIMS (if applicable)		<input type="checkbox"/>	+	\$360.00	\$ \$0.00																																																																																																																																																																		
TOTAL OF ABOVE CALCULATIONS = \$ \$1,030.00																																																																																																																																																																							
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.																																																																																																																																																																							
SUBTOTAL = \$ \$1,030.00																																																																																																																																																																							
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).																																																																																																																																																																							
TOTAL NATIONAL FEE = \$ \$1,030.00																																																																																																																																																																							
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property + \$ \$0.00																																																																																																																																																																							
TOTAL FEES ENCLOSED = \$ \$1,030.00																																																																																																																																																																							
<input type="checkbox"/> Amount to be \$ _____ <input type="checkbox"/> Amount to be \$ _____																																																																																																																																																																							
a. <input checked="" type="checkbox"/> A check in the amount of \$ \$1,030.00 to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 13-2165 . A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.																																																																																																																																																																							
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.																																																																																																																																																																							
SEND ALL CORRESPONDENCE TO: Diane Dunn McKay, Esq. Mathews, Shepherd, McKay & Bruneau, P.A. 100 Thanet Circle, Suite 306 Princeton, NJ 08540 Tel: 609 924 8555 Fax: 609 924 3036																																																																																																																																																																							
 SIGNATURE Diane Dunn McKay NAME 34,586 REGISTRATION NUMBER																																																																																																																																																																							

10/549428

833-135 US
JC20 Rec'd PCT/PTO 15 SEP 2005

"EXPRESS MAIL CERTIFICATE"

"Express Mail" mailing label number: EV 727213958 US

Express Mail Corporate Account Number: XO88384

Date of Deposit: September 15, 2005

EV727213958US

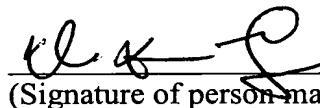
Type of Documents:

1. Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. § 371 (two (2) sheets);
2. Copy of International Application Published Under the Patent Cooperation Treaty (PCT) (including International Search Report);
3. Preliminary Amendment;
4. Unexecuted Declaration and Power of Attorney (four (4) sheets);
5. PCT Notification of Transmittal of the International Search Report and the Written Opinion of the International Searching Authority, or the Declaration;
6. Information Disclosure Statement;
7. PTO Form 1449;
8. Copies of Cited References;
9. Copy of PCT Request (four (4) sheets);
10. "Express Mail" Certificate;
11. One (1) Acknowledgement Postcard; and
12. Check for \$1,030.00.

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Arlington, VA 22313-1450.

Diane Dunn McKay

(Typed or printed name of person mailing paper or fee)


(Signature of person mailing paper or fee)